

# EXHIBIT D

**From:** Daniel Rabinowitz  
**Sent:** Wednesday, July 30, 2025 3:59 PM  
**To:** Halverson, Erik J.; Adeline Miller; Gargano, Jeffrey R.; Beane, Devon Curtis; Hill, Rebekah; provner@potteranderson.com; Bardy-iRhythm-KLG  
**Cc:** iRhythm-Bardy; Cindy Cucuzzella; Egan, Brian P.  
**Subject:** RE: Bardy v. iRhythm - iRhythm's Preliminary Invalidity Contentions

Counsel,

Thank you for your e-mails. iRhythm intends to move for leave to amend its counterclaims to add two additional patents that will be issued shortly by the Patent Office. Given that fact discovery does not end for another year, that the claim construction process has yet to commence, and that substantial completion of document production is not scheduled to end until October 2025, Bardy is in no way prejudiced by the addition of these patents to the case.

To account for these two additional patents, iRhythm proposes the below schedule that includes moving the response date to the initial invalidity contentions to August 21, as Bardy suggests. Please let us know if you intend to oppose iRhythm's motion to amend and whether you agree to the below proposed schedule.

Best,  
Daniel

<b>Event</b>	<b>Current Deadline</b>	<b>Revised Deadline</b>
Judge Wolson will conduct a telephonic status conference at 2pm ET to discuss the progress of the case	August 4, 2025	No change
Infringement contentions (new patents only)		August 12, 2025
Deadline for response to initial invalidity contentions and related invalidating references (original patents)	August 7, 2025	August 21, 2025
Parties exchange list of claim terms/phrases for construction and their proposed constructions (original patents)	August 15, 2025	August 28, 2025
Invalidity contentions (new patents only)		September 12, 2025
Deadline for response to initial invalidity contentions and related invalidating references (new patents)		September 26, 2025
Parties exchange list of any new claim terms/phrases for construction and their proposed constructions (new patents)		September 26, 2025
Deadline to file Joint Claim Construction chart (up to 10 terms/phrases) (all patents)	September 3, 2025	October 3, 2025
Deadline to serve opening Claim Construction briefs	September 24, 2025	October 10, 2025

Deadline to serve answering Claim Construction briefs	October 22, 2025	October 29, 2025
Substantial Completion of Document Production	October 26, 2025	No change
Deadline to serve reply Claim Construction briefs	November 5, 2025	November 12, 2025
Deadline to serve sur-reply Claim Construction briefs	November 19, 2025	No change
Deadline to file Joint Claim Construction brief	November 26, 2025	No change
Tutorial due		
Markman Hearing in Bardy case	January 15, 2026	No change

Daniel Rabinowitz

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**From:** Halverson, Erik J. <[Erik.Halverson@klgates.com](mailto:Erik.Halverson@klgates.com)>

**Sent:** Tuesday, July 29, 2025 5:02 PM

**To:** Adeline Miller <[AMiller@fenwick.com](mailto:AMiller@fenwick.com)>; Gargano, Jeffrey R. <[Jeffrey.Gargano@klgates.com](mailto:Jeffrey.Gargano@klgates.com)>; Beane, Devon Curtis <[Devon.Beane@klgates.com](mailto:Devon.Beane@klgates.com)>; Hill, Rebekah <[Rebekah.Hill@klgates.com](mailto:Rebekah.Hill@klgates.com)>; provner@potteranderson.com; Bardy-iRhythm-KLG <[Bardy-iRhythm-KLG@klgates.com](mailto:Bardy-iRhythm-KLG@klgates.com)>

**Cc:** iRhythm-Bardy <[iRhythm-Bardy@fenwick.com](mailto:iRhythm-Bardy@fenwick.com)>; Cindy Cucuzzella <[ccucuzzella@morrisnichols.com](mailto:ccucuzzella@morrisnichols.com)>; Egan, Brian P. <[began@morrisnichols.com](mailto:began@morrisnichols.com)>

**Subject:** RE: Bardy v. iRhythm - iRhythm's Preliminary Invalidity Contentions

**\*\* EXTERNAL EMAIL \*\***

Counsel,

Four of the fourteen days allotted to prepare responses to iRhythm's 183 charts served last week have now passed since Bardy initially reached out regarding this extension and we have still not heard back on our below request. Please provide your response and position by tomorrow so we can resolve this issue.

Best,  
Erik

**K&L GATES**

**Erik Halverson**

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**From:** Halverson, Erik J. <[Erik.Halverson@klgates.com](mailto:Erik.Halverson@klgates.com)>

**Sent:** Friday, July 25, 2025 2:13 PM

**To:** Adeline Miller <[AMiller@fenwick.com](mailto:AMiller@fenwick.com)>; Gargano, Jeffrey R. <[Jeffrey.Gargano@klgates.com](mailto:Jeffrey.Gargano@klgates.com)>; Beane, Devon Curtis <[Devon.Beane@klgates.com](mailto:Devon.Beane@klgates.com)>; Hill, Rebekah <[Rebekah.Hill@klgates.com](mailto:Rebekah.Hill@klgates.com)>; [provner@potteranderson.com](mailto:provner@potteranderson.com); Bardy-iRhythm-KLG <[Bardy-iRhythm-KLG@klgates.com](mailto:Bardy-iRhythm-KLG@klgates.com)>  
**Cc:** iRhythm-Bardy <[iRhythm-Bardy@fenwick.com](mailto:iRhythm-Bardy@fenwick.com)>; Cindy Cucuzzella <[ccucuzzella@morrisnichols.com](mailto:ccucuzzella@morrisnichols.com)>; Egan, Brian P. <[began@morrisnichols.com](mailto:began@morrisnichols.com)>  
**Subject:** RE: Bardy v. iRhythm - iRhythm's Preliminary Invalidity Contentions

Counsel,

In view of the more than 15,000 pages of charts served by iRhythm, we would like to discuss an extension of the August 7 response deadline. We propose moving the response date two weeks, to August 21. While this would push that response date past the claim construction term exchange, given the amount of time between the August 15 exchange of terms and the ultimate filing of the joint statement with the court, there should be ample time to add additional terms if necessary and have subsequent meet and confers. Please let us know if you agree to this adjustment to the schedule.

Best,  
Erik



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**From:** Adeline Miller <[AMiller@fenwick.com](mailto:AMiller@fenwick.com)>  
**Sent:** Thursday, July 24, 2025 2:00 PM  
**To:** Gargano, Jeffrey R. <[Jeffrey.Gargano@klgates.com](mailto:Jeffrey.Gargano@klgates.com)>; Halverson, Erik J. <[Erik.Halverson@klgates.com](mailto:Erik.Halverson@klgates.com)>; Beane, Devon Curtis <[Devon.Beane@klgates.com](mailto:Devon.Beane@klgates.com)>; Hill, Rebekah <[Rebekah.Hill@klgates.com](mailto:Rebekah.Hill@klgates.com)>; [provner@potteranderson.com](mailto:provner@potteranderson.com); Bardy-iRhythm-KLG <[Bardy-iRhythm-KLG@klgates.com](mailto:Bardy-iRhythm-KLG@klgates.com)>  
**Cc:** iRhythm-Bardy <[iRhythm-Bardy@fenwick.com](mailto:iRhythm-Bardy@fenwick.com)>; Cindy Cucuzzella <[ccucuzzella@morrisnichols.com](mailto:ccucuzzella@morrisnichols.com)>; Egan, Brian P. <[began@morrisnichols.com](mailto:began@morrisnichols.com)>  
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Counsel,

Please see below for the Sharefile link to access iRhythm's Initial Invalidity charts, at least some of which are designated "HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY" under the governing protective order. You will receive the password to access the Sharefile link in a separate email.

**Sharefile link:** <https://fenwick.sharefile.com/public/share/web-s8f1ce6b9853f469e9e141a0f2401b5f2>

Best,

Adeline Miller  
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**From:** Adeline Miller

**Sent:** Thursday, July 24, 2025 1:57 PM

**To:** Gargano, Jeffrey R. <[jeffrey.gargano@klgates.com](mailto:jeffrey.gargano@klgates.com)>; Halverson, Erik J. <[Erik.halverson@klgates.com](mailto:Erik.halverson@klgates.com)>; [Devon.Beane@klgates.com](mailto:Devon.Beane@klgates.com); Hill, Rebekah <[Rebekah.Hill@klgates.com](mailto:Rebekah.Hill@klgates.com)>; [provner@potteranderson.com](mailto:provner@potteranderson.com); Bardy-iRhythm-KLG <[Bardy-iRhythm-KLG@klgates.com](mailto:Bardy-iRhythm-KLG@klgates.com)>

**Cc:** iRhythm-Bardy <[iRhythm-Bardy@fenwick.com](mailto:iRhythm-Bardy@fenwick.com)>; Cindy Cucuzzella <[ccucuzzella@morrisnichols.com](mailto:ccucuzzella@morrisnichols.com)>; Egan, Brian P. <[began@morrisnichols.com](mailto:began@morrisnichols.com)>

**Subject:** Bardy v. iRhythm - iRhythm's Preliminary Invalidity Contentions

Counsel,

Please see attached for service cover pleading for iRhythm's Preliminary Invalidity Contentions. iRhythm's exhibits are taking longer than expected to load, you will receive a separate email to access the initial invalidity charts and the password shortly.

Best,

Adeline Miller

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